

## PARENTING LEAVE

### I. PURPOSE

To allow employees time off from work for the purpose of delivery, bonding, or caring for the newly born child of the employee; the placement of a newly adopted or foster care child within the home of the employee; still birth; and to comply with all state and/or federal regulations pertaining to maternity leave.

### II. SCOPE

This policy applies to full-time permanent employees except where governed by a Memorandum of Understanding (MOU) or employment contract.

### III. POLICY STATEMENT

It is the policy of Memphis Shelby County Schools to support to the greatest extent possible, and in a manner consistent with the efficient operation of the District, eligible employees with a need for parenting leave. To this end, the District may grant parenting leave to eligible employees in accordance with applicable federal/state laws and guidelines established by the Superintendent or his/her designee. Such leave may be paid or unpaid.

### IV. RESPONSIBILITY

A. The Superintendent is responsible for determining if this policy is followed.

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#### Legal References:

1. Title VII of the Civil Rights Act of 1964
2. T.C.A. 4-21-408
3. T.C.A. 49-5-710
4. TRR/MS 520-1-2-.04
5. Family and Medical Leave Act (29 U.S.C. § 2601, et seq.)
6. T.C.A. Title 8 Ch. 50 Part 8 (as amended by PC 399 in 2023)

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#### Cross References:

1. 4004 Fringe Benefits
2. 4026 Sick Leave
3. 4025 Vacation/Personal Leave
4. 4038 Family and Medical Leave

**PARENTING LEAVE**

**A. General Eligibility Provisions**

Parental leave may be granted in accordance with the following general eligibility provisions:

**1. Statutory Leave**

- a. T.C.A. Title 8 Ch. 50 Part 8 (as amended by PC 399 of 2023) (Paid Parental Leave)

Teachers and other certified employees who (1) have been employed by the district for at least twelve (12) consecutive months and (2) provide thirty-days' written notice to their principal or supervisor shall be granted up to six (6) weeks of paid leave for the birth (or still birth) of the employee's child or adoption of a newly placed minor child in accordance with state law. However, if the employee learns of the birth or adoption less than thirty (30) days in advance, the employee shall give the notice as soon as reasonably possible. Leave granted under this section must be used within twelve (12) months of the qualifying birth or adoption.

Teachers and other certified employees shall not be required to use their sick, annual, or other leave; however, paid parental leave as provided by T.C.A. Title 8 Ch. 50 Part 8 (as amended by PC 399 in 2023) shall count towards the employee's use of leave under the Federal Family and Medical Leave Act and T.C.A. 4-21-408.

Paid leave under this section shall be provided at one hundred percent (100%) of the employee's salary.

For purposes of this section, teachers and other certified employees shall include teachers, principals, supervisors, or other individuals required by law to hold a valid license of qualification for employment in the district.

- b. T.C.A. 4-21-408 (Tennessee Maternity Leave Law)

Individuals who have been employed by the District for at least twelve (12) consecutive months shall be granted leave for a period not to exceed four (4) months for the adoption, pregnancy, childbirth and nursing of a newborn in accordance with the Tennessee Maternity Leave Law (T.C.A. 4-21-408).

The District shall not be liable for failure to reinstate an employee at the end of the leave period if the employee's job position is so unique that the District, after making reasonable efforts, is unable to temporarily fill the position. All accrued paid leave (i.e., sick and vacation) must be exhausted prior to being granted leave in an unpaid

status.

c. T.C.A. 49-5-710 (Use of Sick and Annual Leave for Teachers)

Any teacher shall be allowed to use sick and annual leave for a period not to exceed the teacher's accumulated sick and annual leave balance, or twelve (12) weeks, whichever is less. To be eligible to use sick leave as maternity or paternity leave, the teacher must submit a written request that includes a statement from the attending physician indicating the expected date of confinement, no later than the end of the fifth month of pregnancy. (see administrative rules and regulations 4026-Sick Leave).

A teacher may use up to thirty (30) days of accumulated sick leave for the adoption of a child. If both adoptive parents are teachers, only one parent may request leave.

Written verification from the adoption agency or other entity handling the adoption shall be required before the leave is granted. A physician's statement may be required by the Superintendent or his/her designee when determining the period of actual physical disability. Requests for leaves and extensions of leaves shall conform to state law governing all leaves of absence.

For purposes of this section, teacher shall include any person employed by the District in a position requiring a license issued by the TN State Department of Education. The term "teacher" shall not apply to a substitute teacher.

2. District Leave

Parenting leave shall be made available for full-time permanent employees failing to meet statutory provisions provided in Section 1 (above). Employees may use accrued sick and/or vacation time to remain on paid status during a period of parental leave. All accrued paid sick and vacation time must be exhausted prior to being granted leave in an unpaid status.

B. Working While Pregnant

1. A pregnant employee may continue to work as long as the employee's health is not endangered and does not prevent the employee from adequately performing her assigned duties. All decisions related to health shall be based on the advice and consent of the employee's physician/licensed healthcare provider.

If job performance indicates that it is inadvisable for the employee to continue in service, the appropriate senior manager, following counseling, shall recommend to the employee that she request maternity leave. Should the recommendation not be accepted by the employee, the appropriate senior manager may recommend to the office responsible for human resources that the employee be placed on leave as soon as these conditions are substantiated.

C. Requesting Leave

1. Six weeks paid leave

For provision 1(a), the employee must notify the office responsible for human resources at

least 30 days prior of the intention to take leave, unless the employee learns of the birth, stillbirth, or adoption of the employee's child less than thirty (30) days in advance, then the employee must give notice as soon as reasonably possible.

2. Birth of a Child (maternity/paternity)

The employee requesting parenting leave must complete and submit the appropriate leave of absence request form to the office responsible for human resources on a form provided by the office. When practicable, such request should be submitted a minimum of three (3) months prior to the requested date of the leave. A medical statement, provided by office the responsible for human resources, must be completed by the attending physician of the birth mother and accompany the request for parenting leave. The three (3) month notice may be waived or reduced by the office responsible for human resources based upon receipt of a statement from a certified physician.

The parenting leave may be extended to a later specified date upon written request from the employee to the office responsible for human resources, at least thirty (30) days prior to the expiration of the approved parenting leave. The procedure for extending a parenting leave and the conditions under which a leave may be extended are the same as those used when originally requesting and granting the leave.

3. Adoption/Foster Care Placement

An employee requesting leave for the adoption or foster care placement of a child shall submit the appropriate leave of absence request form to the office responsible for human resources as soon as the employee is notified of the date to receive the child. The effective date of the leave shall be at such time as the adoption procedure may require. Proof of the adoption or foster care placement must accompany the request.

D. Returning from Leave

1. An employee returning from an approved parenting leave must submit a completed reinstatement form to the office responsible for human resources a minimum of five (5) days prior to returning to his/her assigned work location.